

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14 cr 87**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
JACOB THOMAS PEARCE,)	
)	
Defendant.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER is before the undersigned pursuant to the Government's Response in Opposition to Motion for Reconsideration of Detention and Motion to Cancel Hearing (#18). In the Government's response, the Government request that the Court summarily deny a Motion for Reconsideration of Detention (#16) filed by new counsel for Defendant. The undersigned held a detention hearing for Defendant on October 8, 2014 and entered an Order detaining Defendant and later filed an Addendum (#12) setting forth written findings regarding the Order of Detention. For the reasons set forth herein, the undersigned will deny the motion of the Government to cancel the detention hearing.

Discussion. The undersigned has reviewed the courtroom recording of the detention hearing over which this Court presided (#9). At the hearing, counsel for Defendant advised the Court that Defendant's father would agree to act as a

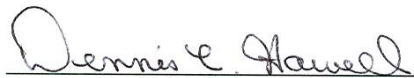
custodian for the Defendant and for that and other reasons, the Defendant should be released on terms and conditions of pretrial release. A review of the courtroom recording shows that the undersigned stated in open court that without having the opportunity to hear testimony from the Defendant's father as a proposed custodian and being further allowed the opportunity to assess that custodian and review the issue of detention, the undersigned was going to enter an order of detention. This Court further advised counsel for Defendant that should Defendant's father wish to travel from his home in Colorado and be presented as a witness and be heard, then counsel for Defendant should file a motion in the cause and this Court would set further hearings in regard to the issue of detention. In the Addendum to Detention Order (#12), the undersigned did not clearly state that the undersigned had invited counsel for Defendant to file a motion in the cause or for a reconsideration of detention should Defendant's father be present to testify so the Court could assess his abilities as a custodian.

As a result of statements made on the record inviting Defendant's counsel to file a motion in the cause seeking further hearings in regard to the issue of detention of Defendant, the undersigned will deny the Government's motion to cancel the hearing as it is only fair that Defendant be granted a full opportunity to be heard, including presenting evidence from his father.

ORDER

IT IS, THEREFORE, ORDERED that the Government's Motion to Cancel the Detention Hearing (#18) scheduled in this matter is **DENIED**.

Signed: November 4, 2014

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Dennis L. Howell
United States Magistrate Judge

